

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

BRANDON JON HARVEY,

Plaintiff,

v.

UNITED STATES OF AMERICA and
STATE OF MICHIGAN,

Defendants.

Case No. 1:22-cv-74

HON. JANE M. BECKERING

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OPINION AND ORDER

Plaintiff, proceeding pro se, initiated this action on January 27, 2021 with the filing of a Complaint against Defendants United States of America and the State of Michigan (ECF No. 1). The matter was referred to the Magistrate Judge, who issued a Report and Recommendation (R&R), recommending that the complaint be dismissed (ECF No. 6). The matter is presently before the Court on Plaintiff's objection to the Report and Recommendation (ECF No. 7).

Plaintiff's objection fails to demonstrate any factual or legal error in the Magistrate Judge's analysis or conclusion. The Magistrate Judge thoroughly considered Plaintiff's Complaint and the applicable legal standards governing this Court's subject matter jurisdiction and *in forma pauperis* dismissal pursuant to 28 U.S.C. § 1915(e)(2)(B).

Accordingly, in accordance with 28 U.S.C. § 636(b)(1) and FED. R. CIV. P. 72(b)(3), the Court denies the Objection and adopts the Magistrate Judge's Report and Recommendation as the Opinion of this Court. A Judgment will be entered consistent with this Opinion and Order. *See* FED. R. CIV. P. 58. Because this action was filed *in forma pauperis*, this Court certifies, pursuant

to 28 U.S.C. § 1915(a)(3), that an appeal of this decision would not be taken in good faith. *See McGore v. Wrigglesworth*, 114 F.3d 601, 610 (6th Cir. 1997), overruled on other grounds by *Jones v. Bock*, 549 U.S. 199, 206, 211-12 (2007).

Therefore:

IT IS HEREBY ORDERED that the Objection (ECF No. 7) is DENIED and the Report and Recommendation of the Magistrate Judge (ECF No. 6) is APPROVED and ADOPTED as the Opinion of the Court.

IT IS FURTHER ORDERED that Plaintiff's Complaint (ECF No. 1) is DISMISSED with prejudice.

IT IS FURTHER ORDERED that this Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that an appeal of this decision would not be taken in good faith.

Dated: March 21, 2022

/s/ Jane M. Beckering
JANE M. BECKERING
United States District Judge